REMARKS

Claims 1-31 are pending in the application. Claims 1, 13, 25, 28, and 29 are being amended by the present amendment. Claims 1-31 were rejected.

The corrections requested in Part 1 of the Office Action are being made in the specification as set forth above; Applicants thank the Examiner for pointing out these errors. The specification has also been amended to include reference signs to FIGS. 10 and 12 to overcome Examiner's Objection. No new matter is introduced by way of these amendments.

Claim 1 is being amended to provide sufficient antecedent basis and should now be in condition for allowance under 35 U.S.C. 112, second paragraph. Independent Claims 13, 25, and 28 are being amended in a similar manner.

Claim 29 is being amended to more distinctly define the present invention and now includes similar limitations as Claim 1. No new matter has been added.

Claims 1, 2, 6-14, 18-26, and 28 were rejected under 35 U.S.C. 102(b) as being anticipated by Gillon et al. (5,838,927).

Before discussing the specifics of the rejection, Applicants believe a brief description of the present invention and cited reference may be useful. As recited in Claim 1, Applicants' system includes "selecting a state of data link compression". In an embodiment discussed at page 13, lines 6 – 10 of the specification as originally filed, if the protocol data unit (PDU) contains data that is generally compressible, a protocol filter sets a state variable to "enable," which enables a compressor to compress the data in the PDU. If the PDU contains data that is not generally compressible, the protocol filter sets the state variable to "disable," which disables the compressor from attempting to compress the PDU.

In contrast, Gillon et al. provides a system having a continuously running compression stream. The continuously running compression stream receives data when a compression unit in communication with the continuously running compression stream detects a data packet with a content header that indicates that the data is compressible (Col. 5, ll. 52-56). As illustrated in FIG. 4B, compression occurs continuously, and not simply at times t1, t2, t3 and t4. Data begins compressing at time t0 as soon as the compression unit determines that the data is compressible. Data continues to be compressed at and between times t0, t1, t2, t3, and t4.

By continuously running the compression stream, Gillon et al. is able to avoid inherent latency in data transmission (Col. 6, ll. 26-37).

Since Gillon et al. does not teach every claim limitation of Applicants' Claim 1 ("selecting a state of data link compression for said protocol data unit to optimize compression efficiency"), Applicants respectfully submit that the rejection under 35 U.S.C. 102(b) as being anticipated by Gillon et al. should be withdrawn.

For at least the same reasons, dependent Claims 2 and 6-12 should be allowable under 35 U.S.C. 102(b) against Gillon et al.

Independent Claims 13, 25 and 28 have similar limitations and should be allowable for the reasons stated above.

For at least the same reasons, dependent claims 14, 18-24, and 26 should be allowable under 35 U.S.C. 102(b) over Gillon et al.

Claims 29 and 30 were rejected under 35 U.S.C. 102(b) as being anticipated by Christensen et al. (5,555,377).

Applicants' Claim 29 as now amended recites, "without changes to a subordinate protocol layer or changes to the higher protocol layers it carries, selectively controlling the state of a compression algorithm based on a protocol-specific header and control information of a protocol data unit to determine compressibility for compressing data transported by protocol data units across a connection in the data communication network to optimize the compression efficiency." The underlined limitations are being added by way of amendment and are similar to the limitations of Claim 1.

In contrast, Christensen et al. provides a system that enables compression based on a predetermined threshold of network activity (Col. 4, ll. 52-54). Once the predetermined threshold of network activity has been exceeded, an interrupt is sent to a protocol stack (Col. 4, ll. 52-60). The protocol stack then enables compression as a result of the increased network activity. Therefore, Christensen et al. enables compression based on network activity (Col. 5, ll. 29-33).

Since Christensen et al. does not teach every claim limitation of Applicants' Claim 29 ("selectively controlling the state of a compression algorithm based on a protocol-specific header and control information of a protocol data unit to determine compressibility"), Applicants

respectfully submit that the rejection under 35 U.S.C. 102(b) as being anticipated by Christensen et al. should be withdrawn.

For at least the same reasons, dependent Claim 30 should be allowable under 35 U.S.C. 102(b) against Christensen et al.

Claims 3-5, 15-17, and 27 were rejected under 35 U.S.C. 103(a) as being unpatentable over Gillon et al. in view of Christensen et al.

Because these claims depend from the independent claims, the same arguments presented above apply. Since neither Gillon et al. nor Christensen et al., either alone or in combination, teaches, suggests, or provides motivation for the independent claims ("selecting a state of data link compression for said protocol data unit to optimize compression efficiency"), dependent Claims 3-5, 15-17, and 27 should be allowable under 35 U.S.C. 103(a) against Gillon et al. in view of Christensen et al. for at least the same reasons.

Claim 31 was rejected under 35 U.S.C. 103(a) as being unpatentable over Christensen et al. in view of Gillon et al.

For at least the same reasons stated above in reference to Claim 29, dependent Claim 31 should be allowable under 35 U.S.C. 103(a) against Christensen et al. in view of Gillon et al.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Mark B Solomon

Mark B. Solomon
Registration No. 44,348
Telephone: (978) 341-0036
Facsimile: (978) 341-0136

Concord, MA 01742-9133
Dated: 8/5/04